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ZAMBIA*

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I. LAND AND PEOPLE

1. Zambia is a land-locked country covering an area of about 753,000 square kilometres. It shares borders with Zaire and Tanzania in the north, Malawi and Mozambique in the east, Zimbabwe and Botswana in the south, Namibia in the south-west and Angola in the west. Generally, Zambia lies on the great Central African plateau with an average altitude ranging between 1,000 and 1,300 metres. In the east (particularly the Muchinga Escarpment) the land rises to a height of about 2,000 metres above sea-level. Broad depressions are to be found on the edges of the plateau which form lakes Tanganyika, Mweru and Bangweulu in the north, the Luangwa river in the east, Kafue basin and the alluvial plains of the Zambezi river in the south and west.

2. Lying between latitude 8°S and longitude 22° and 34°E, Zambia has a tropical climate and vegetation. There are three distinct seasons, the hot-dry season during September and October, the warm-wet season between November and April, and a dry winter, with mean temperature varying between 14° and 30° C, from May to August.

3. Zambia's vegetation may be very broadly classified as woodland savannah which is a mixture of various trees, tall grass, shrubs and other woodlands which are mainly of the deciduous type usually found on the main plateau.

4. The principal source of demographic data used in this report is the 1990 Census. More recent information has been used where available. The Census is conducted at 10-year intervals, the most recent one having been carried out in 1990. The population of Zambia was recorded at 7,820,000 in the 1990 Census, which shows an increase of 38.2 per cent since 1980. The average annual growth rate of 3.2 per cent during the inter-censal period was used to estimate the 1992 population, which is expected to be 8.2 million. The 1990 Census recorded a male population of 3,843,433 and a female population of 3,925,014. The sex ratio was 96.7 males per 100 females compared with 95.8 males per 100 females in 1980.

Sex ratio by province, 1990

Province	Males per 100 females
Central	98.8
Copperbelt	102.4
Eastern	93.4
Luapula	93.5
Northern	94.2
Lusaka	101.1
North-Western	91.2
Southern	96.6
Western	87.3
Total	96.7

5. Zambia has one of the highest population growth rates in the world. In 17 years, the population increased by 62.2 per cent, from 3.5 million in 1963 to 5.66 million in 1980. This high rate of population increase is a result of constantly high fertility and declining mortality. External migration has not been an important factor in the high growth rate over the past 20 years.

6. Massive urbanization has taken place in Zambia, with 42.0 per cent of the population living in urban areas. This has resulted in sparse and scattered settlements in rural areas. In 1990 the national population density was 10.4 per square kilometre. Population distribution varies considerably with provincial densities ranging from 3.0 (North-Western Province) to 55.2 (Lusaka Province).

Population density by province

Province	Population ('000')	Area km^2 ('000')	Population density per km^2
Central	726	94	5.4
Copperbelt	1 580	31	50.4
Eastern	974	69	14.1
Luapula	527	51	10.4
Lusaka	1 208	22	55.2
Northern	868	148	5.9
North-Western	383	126	3.0
Southern	946	85	11.0
Western	607	126	4.8
Total Zambia	7 818	753	10.4

7. As can be seen from the table, only Copperbelt and Lusaka Provinces have a population density reaching 50 persons per km^2; the rest of the provinces have densities below 15 persons per square kilometre.

8. Zambia is a multiracial and multicultural country. There are seven major language groupings in Zambia, which roughly corresponds to the number of provinces. The other two provinces are urban, which brings the total number of provinces to nine.

9. There has been a significant gain in literacy. This is a great achievement and demonstrates the commitment of the Government to providing adequate academic preparation to its people to enable them to participate effectively in the country's development process.

Formal literacy rate (%)							
Age group	Male		Female		Male	Female	Total
	No schooling	Leaver primary	No schooling	Leaver primary			
1969 5+	41.2	30.1	59.1	25.2	28.7	15.1	22.1
15+	38.2	25.5	63.7	19.5	36.3	16.8	26.2
1980 5+	35.3	20.4	48.8	19.3	44.3	31.9	37.9
15+	24.6	11.1	46.9	10.5	64.3	42.6	53.0

10. The predominant religion in Zambia is Christianity with the majority of people associating themselves with the two major groups, Catholics and Protestants. The remainder of the population is comprised of Muslims, Hindus, Buddhists, Jews, atheists and animists.

11. Infant and child mortality in Zambia is still high, and this poor standard of health is reflected in the condition of children. The infant mortality was estimated by both the Economic Commission for Africa and UNICEF to be 110 per thousand live births in 1974. It was estimated to be 100.52 per thousand live births during the period 1980-1985 and 89.56 during 1985-1990.

Child mortality rates		
Age at death	Urban %	Rural %
Under 1	25.0	21.8
1-4	37.5	21.8
5-9	3.1	5.5
10 and over	34.4	50.9
Total	100.00	100.00

12. In comparison with other countries, Zambia's mortality levels are still high and life expectancy is low.

13. In Zambia, as in most other countries, females have lower death rates than males. The overall effect of this difference in death rates has increased the proportion of females in the older age groups of the population.

14. The life expectancy for both sexes together is 54.4 years. For males, it is 53 years and for females, 55.5 years.

15. The level of fertility in Zambia is very high. The total fertility rate (the average number of live births to a woman during her reproductive years) based on the 1990 Census ranged between 5.7 and 8.0, with an average of 7.2 children for each woman.

16. Zambia has a very large young population. The child population (below 15 years) was estimated at 49.4 per cent of the total population in 1980. Out of the estimated 2.8 million children in 1980, 40.3 per cent, or 1.13 million children, were under the age of five. Assuming the high fertility level of 1990 continues, the total number of children below 15 years and under 5 years will reach 3.86 million and 1.56 million respectively.

17. The population of aged persons (65 years and above) was estimated at 2.4 per cent in 1980. The Zambian age structure gives a dependency ratio of 107 dependants per 100 economically active adults. This is the number of children under 15 years of age, plus people aged 65 years and over.

18. The following indicators give an overview of the economic situation:

The Economy

GNP per capita (1989)	US$ 390
Annual growth rate in GNP per capita (1991)	(-1.8)
Total external debt as share of GNP (1989)	158.8%
Debt servicing as a share of total export revenue (1989)	11.3%
Total aid transfers in 1990 (US$ million) bilateral and multilateral	551.8

	Actual 1991	Pledged 1992
	(US dollars)	
Total bilateral aid including EEC and ADB	576.1	871.7
World Bank arrears	100.3	4.6
Balance-of-payments support	144.5	433.0
Commodity assistance	76.1	57.6
Food aid	56	53.6
Project financing	249.6	322.9
World Bank Project financing	10.0	30.0
Balance-of-payments support	202.0	240.0
Grand total	788.1	1 126.40

19. Zambia ranks among the poorest countries in the world. The gross domestic product (GDP) at current prices rose from K3,595 million in 1982 to K60,025 million in 1989, giving an average annual growth of 49.2 per cent. In real terms, at 1977 prices, however, GDP registered only a marginal growth from K2,059 million to K2,224 million during this period. GDP actually declined by 3.5 per cent in 1984 compared with 1982. The declining trend was reversed during the period 1984-1988. Per capita GDP in real terms has been declining between 1982 and 1988 at an annual average of 2.2 per cent from K340 in 1982 to K298 in 1988.

20. The periodic boom in the international price of copper, which is Zambia's leading export commodity, has been the main factor behind increases in the country's gross domestic production since 1964. Despite this, the share of copper mining in GDP has fallen gradually since 1964. Year-by-year analysis reveals a fluctuating trend in copper exports in the last decade. The primary reason for this is the unstable price of copper on the world market. In 1975, the lowest copper prices were recorded, at K794 per tonne. The prices then showed an increasing trend, which declined again in 1981 and 1982. Due to unfavourable copper prices, export earnings are declining in real terms. The combination of low copper prices and rising oil prices created a foreign exchange problem. This, the deterioration of the international economic situation has put the Zambian economy under serious pressure.

21. During the 1970s, the average annual inflation rate was about 11 per cent, with the highest rate of 19.4 per cent in 1977. The burden of inflation began to be felt in 1976 when the inflation rate grew to more than 10 per cent for the first time. Since 1983, inflation has accelerated a great deal. This has been due to the substantial reduction in subsidies, decontrol of the pricing system, devaluation and floating of the kwacha and an increase in the rate of excise duty.

22. The measures adopted in recent years have not succeeded in curbing inflationary pressure. The year of 1989 stands out as a period during which a massive escalation in prices was registered in the country. As a result, inflation in 1989 stood at 128.3 per cent. Inflation levels to date still remain high despite the efforts of Government to improve the situation.

23. The declining economic performance has resulted in a reduction in the formal sector of employment. The Zambian population has been growing rapidly while wages and salary-earning employment in the formal sector have been falling.

24. Unemployment among young school leavers and women has since increased.

25. As in the case of most developing countries, Zambia faces a problem of an excessively large number of school leavers chasing the relatively small number of new jobs created each year. According to the 1991 Priority Survey (Social Dimensions of Adjustment Report), out of an estimated population of 3.2 million economically active people aged 7 years and above, 2.72 million, or 78 per cent, were in the labour force. The urban component of the labour force accounted for 71.9 per cent whereas the rural component stood at 28.1 per cent. The labour force is composed of 1.43 million (52.4 per cent) males and 1.29 million (47.6 per cent) females.

26. The survey estimates revealed that about 2.36 million (87.0 per cent) in the labour force were employed, of which 0.36 million (13.0 per cent) were females and 44.9 per cent were males. Among the currently unemployed, the highest unemployment rate of 20.4 per cent is among youths aged 15 to 19 years. The current unemployment rate is higher among females (17.8 per cent) than males (8.6 per cent).

27. Economic policy has faced a number of challenges since independence. The 1970s witnessed staggering increases in oil prices which, coupled with the fall of copper prices, adversely affected the economy. The experiences of the past three decades show that sustained improvements in living standards require economic policy to be largely set in a medium-term context, with appropriate consideration for the relative strengths of the different economic policies. Fiscal policy has been targeted to achieve a better balance between domestic demand and production, particularly through its contribution to raising national savings, while still providing a short-term stimulus to assist the recovery. Monetary policy is focused on reducing inflation and inflationary expectations. Wage policy is aimed at restraining aggregate wages.

28. A structural adjustment programme aimed at increasing the productivity and competitiveness of Zambian industry has been put in place. This has been a key part of policy since 1991 when the new Government came into power. There have been major reforms in the financial, transport, health, education and communication sectors. Efforts are also being made to reorient the economy from a copper-based economy to a broader-based economy so as to enhance foreign exchange earnings.

II. GENERAL POLITICAL STRUCTURE

29. Zambia attained its independence from Britain in 1964. At independence, Zambia adopted a Constitution that provided for a multi-party democratic system of governance. In 1973 Zambia adopted a new Constitution which introduced a one-party system of government. All political parties except the then-ruling United National Independence Party (UNIP) were proscribed. Since 1987 Zambia has undergone important political and constitutional developments. In December 1990 article 4 of the then Zambian Constitution, which provided for UNIP as the sole political party, was repealed. This paved the way for the formation of other political parties to challenge the then-ruling party in a multi-party election set for 31 October 1991. During the multi-party presidential and general elections the ruling UNIP government was defeated and the currently ruling Movement for Multi-Party Democracy (MMD) was ushered into power.

30. The Zambian Constitution expressly provides safeguards against violation of fundamental rights and freedoms of the individual by the State. Part III of the Zambian Constitution contains the Bill of Rights. The fundamental rights and freedoms enjoyed by every person in Zambia and entrenched in the Constitution are as follows:

Article 11 provides for fundamental rights and freedoms;

Article 12 provides for protection of the right to life;

Percentage distribution of currently employed, aged seven years and above, by industry, sex and residence, 1991

Industry	Percentage of employees								
	Total			Rural			Urban		
	Both	Male	Female	Both	Male	Female	Both	Male	Female
Total number of workers	2 519 703	1 410 076	1 109 627	1 753 823	862 829	890 994	765 880	547 247	218 633
Total %	100	100	100	100	100	100	100	100	100
Agriculture, forestry and fisheries	65	57	76	89	87	90	11	9	15
Mining and quarrying	2	3	0	0	0	0	5	7	1
Manufacturing	4	6	3	1	1	1	12	13	9
Electricity, gas and water	1	1	0	0	1	-	1	2	1
Construction	2	3	0	1	1	0	4	5	1
Trade (wholesale and retail distribution)	7	6	7	2	2	2	17	13	25
Transport and communications	3	5	1	0	1	0	8	11	2
Finance, insurance and real estate	2	2	1	0	0	0	5	5	6
Community, social and personal	10	13	7	3	4	2	26	26	28
Services not stated	6	6	6	4	3	4	11	10	14

Article 13 provides for protection of the right to personal liberty;

Article 14 provides for protection from slavery and forced labour;

Article 15 provides for protection from cruel, inhuman and degrading treatment;

Article 16 provides for protection from deprivation of property;

Article 17 provides for protection of privacy, home and property;

Article 18 contains provisions to secure protection of the law;

Article 19 provides for protection of freedom of conscience;

Article 20 provides for protection of freedom of expression;

Article 21 provides for protection of freedom of assembly and association;

Article 22 provides for protection of freedom of movement;

Article 23 provides for protection from discrimination on the ground of race, sex, tribe, etc.;

Article 24 provides for protection of young persons from exploitation.

31. The Constitutions, including the current one adopted in 1991, established a republican form of government with an executive President, the Legislature and the Judicature, each forming a separate and distinct organ of government.

A. The Executive

32. The President exercises executive powers. He is elected for terms of five years by universal franchise. He cannot retain office for more than two terms.

33. The office of President is established under article 33 of the Zambian Constitution. The President of the Republic is the head of State and of the Executive. He or she is elected by direct franchise and by secret ballot. Under the Constitution the duties and powers of the President of the Republic include that of commander-in-chief; appointing and removing ministers; conducting the Republic's foreign affairs and negotiating and signing international agreements; declaring a state of emergency; dissolving the National Assembly; pardoning or reprieving offenders, either unconditionally or subject to such conditions as he may consider fit; establishing and dissolving government ministries and departments subject to the approval of the National Assembly and appointing persons to public office as required by the Constitution or any other written law.

34. The office of Vice-President is established under article 45 of the Zambian Constitution. The Vice-President is appointed from among members of the National Assembly and performs such functions as are assigned to him by the President.

35. Cabinet is established under article 49 of the Constitution. Cabinet consists of the President, the Vice-President and Ministers, other than Ministers responsible for the administration of provinces and Deputy Ministers. The President presides over meetings of the Cabinet. The Cabinet formulates policy of the Government and is responsible for advising the President with respect to the policy of the Government and with respect to such other matters as are referred to it by the President. Cabinet is responsible collectively to the National Assembly.

36. The office of Minister is created under article 45 of the Constitution. The Ministers are appointed from amongst members of the National Assembly and they are responsible, under the direction of the President, for the business of Government including the administration of any ministry or department of Government which the President may assign to them.

37. The office of Deputy Minister is created under article 47 of the Constitution. They are appointed by the President as he may consider necessary to assist Ministers in the performance of their functions and to exercise or perform on behalf of Ministers such functions as the President may authorize in that behalf.

B. The Legislature

38. Established under article 62 of the Zambian Constitution, the Legislature is the supreme legislative authority in Zambia. The National Assembly consists of 150 elected members, not more than 8 nominated members and the Speaker of the National Assembly. Election of members of parliament is done by direct, universal adult suffrage and by secret ballot. The life of the National Assembly is five years although it may be dissolved and a general election held before the expiry of the legal term. Because it is not subject to restraints the National Assembly is virtually free to legislate as it pleases. However, constitutional limitations and the electoral process assist it to legislate within certain limits.

39. The President is not a member of the National Assembly and the Vice-President is the leader of government business in the National Assembly. The re-emergence in Zambia of organized political parties each laying its own policies before the electorate has led to well-developed political divisions in the National Assembly, which is considered to be vital to democratic governance. All political parties and individuals in their own right are at liberty to contest any national elections. The candidate who polls the most votes is elected.

40. The presidential candidate who polls over 50 per cent of the total votes cast at a general election is asked to form the Government.

41. The party which polls one third of the seats is supposed to be officially recognized as "the Official Opposition", with its leader recognized as

opposition leader. However, the Speaker has chosen to recognize the UNIP as Official Opposition and its leader as Official Opposition Leader in parliament even though UNIP polled less than one third of the requisite seats in the general elections held in 1991. Members of any other parties and any independent members of the National Assembly who have been elected support or oppose the Government according to their party's or their own views.

42. The Government has the majority share in controlling and arranging the business of the house. As initiator of policy, it indicates which action it wishes the National Assembly to take and explains and defends its position in public debate.

43. In Zambia the ruling Movement for Multi-Party Democracy government has 120 seats in parliament. Government has on occasion been obliged by members of its own party to withdraw motions. The National Assembly establishes select committees composed of members of the opposition and back-benchers which scrutinize the work of public institutions. This affords the National Assembly ample opportunity for searching examination of Government and the conduct of government officers.

C. The Judicature

44. The laws applying to Zambia fall into three broad categories:

(a) Legislation

(i) In the form of statutes passed by the Legislature or subordinate legislation made by the Executive, which is subject to disallowance by the Legislature;

(ii) Enacted in England prior to 1911 which, in so far as it is not inconsistent with existing Zambian laws, is to be applied in the light of prevailing local circumstances; in matrimonial cases the law applicable is the law in England for the time being;

(b) Rules derived from decisions of courts of competent jurisdiction in the form of judicial precedents;

(c) African Customary Law, which is applicable in so far as it is not inconsistent with existing statutory laws or repugnant to the principles of natural justice, and is consistent with equity and good consciousness.

45. Article 91 of the Constitution establishes the Judiciary. It consists of the Supreme Court, the High Court, subordinate courts, local courts and any other courts as may be prescribed by an Act of parliament. In the discharge of their judicial functions the judges of the courts are independent, impartial and subject only to the Constitution and the Law. The Judicature is autonomous and is administered by an Act of parliament.

46. The Supreme Court for Zambia is established by article 92 of the Constitution and the Supreme Court Act Chapter 52 of the Laws of Zambia. It is the final court of appeal for civil and criminal matters. It is the

superior court of record. The Supreme Court consists of the Chief Justice, the Deputy Chief Justice and Supreme Court Judges whose number is prescribed by an Act of parliament and who are appointed by the President.

47. The Office of Chief Justice is established by articles 92 and 93 of the Constitution. The Chief Justice is appointed by the President subject to ratification by the National Assembly. The Chief Justice is responsible for making rules with respect to practice, direction and procedure of the Supreme Court.

48. The High Court for Zambia is established by article 94 of the Constitution and the High Court Act Chapter 50 of the Laws of Zambia. The High Court has an establishment of 20 puisne judges in addition to the Chief Justice who is an ex officio member.

49. The Constitution gives the High Court (except for matters reserved to the Industrial Relations Court) unlimited original jurisdiction to hear and determine any civil or criminal proceedings under any law and such jurisdiction and powers as may be conferred on it by the Constitution or any other law.

50. The High Court determines appeals from the lower courts and aggrieved parties may appeal from this court to the Supreme Court.

51. The subordinate courts are established by article 45 of the Laws of Zambia. In Zambia there are five principal resident magistrates and in charge of some provinces are senior resident magistrates. There are also resident magistrates and magistrates class i, ii and iii.

52. All magistrates are appointed by the Judicial Service Commission acting in the name of the President. The jurisdiction of a subordinate court depends on its rating and the rank of the presiding magistrate. The jurisdiction in civil cases varies between classes in relation to the amounts at issue in matters brought before the courts and also as to the type of action triable. Criminal jurisdiction also varies according to the class of magistrate presiding and class of court. Subordinate courts are empowered to adjudicate on appeals from the local courts. An aggrieved party has the right to appeal against the decision of a subordinate court to a superior court.

53. This is the lowest level of Zambia's Judicature. There are about 460 local courts in Zambia. Under the Local Courts Act Chapter 54 of the Laws of Zambia, the Judicial Service Commission appoints the local court justices, local courts advisers and as many local courts officers as it sees fit. The local courts are divided into grades A and B and their jurisdiction is limited according to the grade which the court warrant assigns to it. A local court may only hear customary cases such as matrimonial or inheritance claims based on customary law. Local courts are primarily authorized to apply and enforce customary law. They have, however, limited criminal jurisdiction in cases such as simple thefts and common assaults. However, whenever a local court is seized with a civil or criminal matter where a party wishes to be legally represented by a lawyer, that matter is immediately transferred to the subordinate courts because lawyers have no audience in the local courts.

54. The independence of the judiciary, its autonomy from the legislative and executive arms of the Government is of great importance in Zambia and the judges in the discharge of their functions act independently. As stated earlier, Supreme Court judges are appointed by the President. Puisne judges are appointed by the President acting on the advice of the Judicial Service Commission and are subject to ratification by the National Assembly. This requirement for ratification strengthens the independence of the judiciary in that it safeguards against the appointing authority exercising undue influence on the judiciary and its work. The judiciary and its independence are further protected as the salaries payable to the judges and their terms of office may not be altered to their disadvantage after their appointment.

55. The office of Attorney-General is established by article 54 of the Constitution. The Attorney-General is appointed by the President subject to ratification by the National Assembly. The Attorney-General is the principal legal adviser to the Government. He may only be removed from office by the President or upon assumption by another person of the office of President. He is not subject to the direction or control of any other person or authority in the discharge of his duties. The Attorney-General is charged, inter alia, with representing the Government in all civil proceedings.

56. The office of Solicitor-General is established by article 55 of the Constitution. He is appointed by the President subject to ratification by National Assembly. He exercises any power or duty imposed on the Attorney-General by the Constitution or any other written law whenever the Attorney-General is unable to act owing to illness or absence or where the Attorney-General has authorized the Solicitor-General to do so.

57. The office of Director of Public Prosecutions is established under article 56 of the Constitution. The Director of Public Prosecutions has the power, in any case that he considers desirable to do so,

> "(a) to institute and undertake criminal proceedings against any person before any court, other than a court martial, in respect of any offence alleged to have been committed by that person;
>
> "(b) to take over and continue any such criminal proceedings as have been instituted or undertaken by any other person or authority; and
>
> "(c) to discontinue at any stage before judgement is delivered, any such criminal proceedings instituted or undertaken by himself or any other person or authority."

58. The Director of Public Prosecutions is not subject to the direction or control of any other person or authority in the exercise of his duties. Where in the judgement of the Director of Public Prosecutions a case involves general considerations of public policy, the Director of Public Prosecutions may bring the case to the notice of the Attorney-General and will in the exercise of his powers in relation to that case, act in accordance with any directions of the Attorney-General.

59. In Zambia the initial decision to institute a criminal investigation normally lies with the police. The police in Zambia have the power to investigate all criminal offences. However, in terms of prosecuting an offender the police have the authority to initiate proceedings in accordance with the law (except for certain offences that require the consent of the Director of Public Prosecutions). Under section 89(1) of the Code of Criminal Procedure Chapter 160 of the Laws of Zambia an individual may conduct private prosecution with the consent of the Director of Public Prosecutions.

60. In Zambia the accused person is presumed innocent until proven guilty. Therefore the onus is on the prosecution to prove its case beyond reasonable doubt.

61. An accused person may hire a lawyer of his own choice to represent him. If remanded in custody, the person may be visited by his lawyer to ensure a properly prepared defence. Criminal trials are normally in open court and rules of evidence are vigorously applied (however, the court may sit in camera in certain appropriate cases). During the trial the accused has the right to personally or through his lawyer cross-examine witnesses for the prosecution and also has the right to testify under oath, remain silent or make an unsworn statement in his own defence. He also has the right to call other witnesses in his defence.

62. In civil matters the aggrieved party is at liberty to institute proceedings before a court of competent jurisdiction. Normally civil proceedings are instituted by a writ of summons, petition or notice of motion. In civil matters the plaintiff is at liberty to call witnesses and the defendant also has the right to call witness in his defence.

63. The objective of the Zambian Government is to provide access of legal services to the socially and economically disadvantaged groups in the Zambian community. In order to achieve this goal the Legal Aid Act Chapter 546 of the Laws of Zambia provides for the granting of legal aid in civil and criminal matters to persons whose means are inadequate to enable them to engage practitioners to represent them and to provide for matters incidental to the foregoing. However, due to economic problems facing the country the Department of Legal Aid has been facing problems of inadequate funding as well as lack of qualified manpower. As a result only serious criminal offences automatically entitles the accused to the grant of legal aid.

Other entities involved in the administration of justice

64. The Industrial Relations Act Chapter 517 of the Laws of Zambia Section 96 establishes the Industrial Relations Court. This court consists of:

(a) The Chairman, who must be a person qualified to be a judge of the High Court;

(b) The Deputy Chairman, who presides over the court in the absence of the Chairman and does all other things which the Chairman is empowered to do under the Act and who, while presiding, has all powers of Chairman;

(c) Two other members.

65. The Industrial Relations Court has the power, authority and jurisdiction to:

"(a) examine and approve Collective Agreements;

"(b) inquire into and make awards and decisions in collective disputes;

"(c) inquire into and make awards and decisions in any matters relating to industrial relations which may be referred to it;

"(d) interpret the terms of award and agreements;

"(e) commit and punish for contempt, any person who disobeys or unlawfully refuses to carry out or to be bound by an order made against him by the court; and

"(f) generally to inquire into and adjudicate upon any matter affecting the rights, obligations and privileges of employees, employers and representative organisations."

66. The Industrial Relations Court is a quasi-judicial tribunal and it does not follow strict rules of evidence. The procedure followed for institution of legal process before this tribunal is relatively simple as compared to the judicial courts.

67. The Commission for Investigation is established by article 90 of the Constitution and the Commission for Investigations Act Chapter 183 of the Laws of Zambia. The President, in consultation with the Judicial Service Commission, appoints the Chairman of the Commission for Investigations. The Commission for Investigations is empowered to investigate and report to the President on complaints made to it about certain administrative action taken by government agencies. The Commission has no power to question or review any judicial decisions. It conducts investigations in private and usually works in an informal way. The Commission has formal powers to examine witnesses and to seek access to documents.

68. The role of the Investigator-General (the Ombudsman) is to determine whether there has been any maladministration on the part of a relevant agency that would justify the complaint, or whether the agency has acted improperly or wrongly. Where it finds that a complaint is established it may recommend in its reports to the President that remedial action be taken. A special feature of the powers of the Investigator-General is that the Investigator-General is required to consider whether a rule of law, provision of an enactment or practice upon which a decision is based is unreasonable, unjust, oppressive or discriminatory. Thus, the Investigator General can suggest that a decision is objectionable even if the decision is not itself invalid.

III. GENERAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

69. Zambia has ratified and acceded to several international and regional instruments on protection of human rights and fundamental freedoms. However,

international instruments are not self-executing and require legislative implementation to be effective in Zambia as law. Thus an individual cannot complain in a domestic court about a breach of Zambia's international human rights obligations unless the right has been incorporated into the domestic law. Nevertheless, courts in Zambia have in appropriate cases given judicial notice of international instruments which Zambia has acceded to even though not reduced into domestic legislation and have accordingly given redress.

70. The judiciary plays a prominent role in the protection of fundamental freedoms and human rights because a victim of violation of human rights has a right to institute proceedings and, where appropriate, remedies are granted.

71. The media in Zambia is enjoying an increasing high degree of freedom which allows the press, radio and television to play a significant role in exposing breaches of human rights and exerting pressure for remedial action. The media is free to report on parliamentary proceedings as well as court proceedings relating to human rights matters and parliamentary questions are often prompted by media coverage of a particular matter.

IV. INFORMATION AND PUBLICITY

72. In Zambia efforts are regularly being made to acquaint the public and the authorities with rights established in the various human rights instruments and practices. Symposia and lectures on human rights have been organized and seminars on human rights have been held for educators, the police and other public officers. Furthermore training in human rights is given in primary, secondary and higher institutions of learning within the framework of social studies and civics. The media also plays an important role in publicizing and educating people about their rights.

73. Non-governmental organizations are also involved in the promotion of human rights among the members of public and are involved in various human rights activities.

74. Non-governmental organizations play an active and important role in the promotion and protection of human rights in Zambia. There are a number of non-governmental organizations involved in the various human rights activities. Some of the indigenous NGOs in this field are: Citizens' Advice Bureau, Civic Education, Women's Lobby Group, Street Kids, Women in Development, Women in Business, Forum for Democratic Process, to mention just a few. Churches also play a very prominent role in the human rights sector.

75. The responsibility for compiling reports under the various international and regional instruments falls within the Ministry of Legal Affairs in collaboration with the other ministries and departments. It is hoped that NGOs could also participate and assist in compiling national reports in the near future. Reports prepared under the various instruments are public documents and can be made available on request.